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PATENT  
ATTORNEY DOCKET: 46884-5455

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Masataka NISHIKAWA et al. ) Confirmation No.: 2773  
Application No.: 10/568,685 ) Group Art Unit: 4153  
Filed: February 17, 2006 ) Examiner: Jameson Q. Ma  
For: READER FOR IMMUNOCHROMATO- )  
GRAPHIC TEST, CARTRIDGE )  
APPLICABLE TO THIS, AND SYSTEM )  
FOR EXAMINING )  
IMMUNOCHROMATOGRAPHIC )  
TEST PIECE )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Customer Winder, Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Accordingly, Applicants do not believe that a fee is due for filing this paper.

A Notice of Allowance dated June 24, 2008 that issued in a Japanese patent application and having documents cited therein is attached for the Examiner's consideration.

While the Notice of Allowance dated June 24, 2008 additionally cites to Japanese Patent

Application Laid-Open No. H11-083745, Japanese Application Laid-Open No. 2002-228662, Japanese Patent Application Laid-Open No. 2003-043051, Japanese Patent Application Laid-Open No. 2003-287535, Japanese Published Patent Application, Japanese Translation of PCT international application No. 2002-531827, WO 01/061340 and Japanese Patent Application Laid-Open No. 2002-022742, these documents are not listed on the attached PTO Form 1449 because they were previously cited in an Information Disclosure Statement in this application on February 17, 2006.

The relevance of the attached foreign language documents can be understood at least from the attached English-language abstracts, and/or from the citation of the documents in the attached Japanese Notice of Allowance dated June 24, 2008.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notation on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that any of the listed documents are material or constitutes "prior art." If it should be determined that any of the listed documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over any of the listed documents, should any of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required and

including any required extension of time fees, *or* credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER, BIDDLE & REATH LLP**



Paul A. Fournier  
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Dated: July 22, 2008

By:

**Customer No. 055694**

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